

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	CRIMINAL ACTION NO.
v.	)	2:18cr10-MHT
	)	(WO)
CHRISTOPHER IMAN ULMER	)	

OPINION AND ORDER

This cause is before the court on defendant Christopher Iman Ulmer's unopposed motion to continue. For the reasons set forth below, the court finds that jury selection and trial, now set for August 6, 2018, should be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a

judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance would "result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Ulmer in a speedy trial. As stated in the motion to continue, counsel for Ulmer was recently appointed to the case, and seeks sufficient time to review discovery, work through anticipated legal issues, and advise Ulmer as to the best course of

action. The government does not oppose the motion. Furthermore, as the government represented on the record on April 4, 2018, Ulmer faces a potential mandatory sentence of life imprisonment if convicted. Especially given the severity of the potential sentence Ulmer faces, a continuance is warranted to allow Ulmer's counsel the opportunity to prepare fully and effectively.

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Accordingly, it is ORDERED as follows:

(1) The motion for continuance of defendant Christopher Iman Ulmer (doc. no. 27) is granted.

(2) The jury selection and trial, now set for August 6, 2018, are reset for September 4, 2018, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 12th day of June, 2018.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE